



**RSPB attendance at November Issue Specific Hearings  
for the  
Royal Society for the Protection of Birds**

**Submitted for Deadline 2  
11 November 2021**

**Planning Act 2008 (as amended)**

**In the matter of:**

**Application by Alternative Use Boston Projects Limited for an  
Order Granting Development Consent for the  
Boston Alternative Energy Facility**

**Planning Inspectorate Ref: EN010095  
Registration Identification Ref: 20028367**

- 1.1 The Examination timetable has scheduled an Issue Specific Hearing on Environmental Matters on 24 November 2021. The 25 November 2021 has also been reserved for any further discussions that may be required on Environmental Matters.
- 1.2 The Issue Specific Hearings are only 14 days following the Deadline 2 submissions, and we are continuing to review the Ornithology Addendum submitted by the Applicant at Deadline 1. We have provided initial comments at Deadline 2, but anticipate having further comments that would be helpful to the examination.
- 1.3 At Deadline 2, we are also expecting a significant amount of new environmental information to be submitted. We are aware that the Applicant will, for example, be submitting their draft derogation case, which will be the first opportunity that interested parties will have been able to review the Applicant's position and options for compensation. There is likely to be additional submissions that we will also need to review and develop a position on. We anticipate that it would be helpful to the Examining Authority and the Applicant if some comments on this additional information could be provided at Deadline 3 (2 December 2021), which is only three weeks after Deadline 2.
- 1.4 Given the volume of information that we expect to be provided, we will need sufficient time to review this alongside completion of our review of the ornithology addendum.
- 1.5 Consequently, we will not be in a position to prepare our oral case for the 24 and 25 November 2021, as currently set out in the Examination timetable.
- 1.6 Given the new information that will be made available and the outstanding number of areas of disagreement between the Applicant and Interested Parties, we consider it would be better to delay an Issue Specific Hearing on Environmental Matters until more time has been allowed for statutory bodies and interested parties to review the additional information provided by the Applicant. This would allow the new evidence to be reviewed and more time for the Applicant to try and resolve areas of disagreement. We anticipate that this would aid the Examining Authority by enabling more focussed discussions to be held at any Issue Specific Hearings.
- 1.7 The Examination Timetable has allowed for Issue Specific Hearings to take place between Monday 28 February 2022 and 4 March 2022. We request that any Environmental Matters Issue Specific Hearings be delayed until these alternative dates. This would provide a suitable period of time to have reviewed the new information and discussed this with the Applicant.
- 1.8 At this stage in the examination, we are concerned that with no new evidence being presented by the Applicant to inform their assessments, all of the comments we have made in writing on the Environmental Statement, its supporting HRA and the ornithology addendum clearly setting out our concerns and our reasons why we disagree with the Applicant's assessments, all stand. Any oral submissions would not at this stage add anything to the examination at this time, especially given that the examination process is primarily a written one. The Department for Communities and Local Government's publication *Planning Act 2008: Guidance for the examination of applications for development consent* says the following:

*"The use of written representations will be the primary means by which the Examining Authority will examine applications. They will also be one of the main types of evidence which the Secretary of State will take into account when taking a decision."* (para 71).

*“The Examining Authority can also ask written questions and require additional information from anyone at any stage of the examination process, and require that a response is to be made in writing within a period it specifies.” (para 75).*

- 1.9 We, therefore, consider an Environmental Matters Issue Specific Hearing would be potentially more useful to the examination in Feb/March 2022, subject to any new evidence that the Applicant may provide in the intervening period. We will be happy to respond in writing to any additional questions posed by the Examining Authority in the intervening period.
  
- 1.10 If it is considered appropriate to continue to hold Issue Specific Hearings on Environmental Matters on 24 November 2021 and, potentially, 25 November 2021, we will review any agenda and provide an update on whether we would be in a position to attend where there are specific items that have either not been addressed through written evidence, or where there is an issue that has a realistic chance of being resolved through oral evidence.